

EXHIBIT

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3208.txt

1

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MASSACHUSETTS
4 BRAUN, GmbH,
5 Civil Action No.
6 Plaintiff, 03 CV 12428 WGY
7 -against-
8 RAYOVAC CORPORATION,
9 Defendant.
10
11 DEPOSITION OF JAMES CHASEN
12 Thursday, May 5, 2005
13 New Haven, Connecticut
14
15
16
17
18 *** CONFIDENTIAL - ATTORNEYS' EYES ONLY ***
19
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21
22
23 Reported By:
24 LINDA J. GREENBERG
25 JOB NO. 3208

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2

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May 5, 2005

9:34 A.M.

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6
7 Deposition of JAMES CHASEN, taken by
8 Plaintiff, pursuant to Notice, at the offices of
9 Wiggin & Dana, 265 Church Street, New Haven,
10 Connecticut, before Linda J. Greenberg, a
11 Certified Shorthand Reporter and Notary Public
12 of the States of New York and Massachusetts.
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1
2 A P P E A R A N C E S:
3
4 ROPES & GRAY, L.L.P.

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4 Attorneys for Plaintiff
5 One International Place
6 Boston, Massachusetts 02110-2624
7 BY: DALILA ARGAEZ WENDLANDT, ESQ.
8
9 KIRKLAND & ELLIS, L.L.P.
10 Attorneys for Defendant
11 200 East Randolph Drive
12 Chicago, Illinois 60601
13 BY: JAMES A. SHIMOTA, ESQ.
14
15
16
17
18 Also Present:
19 Stanley D. Liang, Esq.
20 Ropes & Gray, L.L.P.
21
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23
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1
2 JAMES CHASEN,
3 having been first duly sworn, was examined and
4 testified as follows:
5 (Exhibit 1 for
6 identification, Notice of deposition.)
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7 EXAMINATION BY
8 MS. WENDLANDT:
9 Q. Would you please state your name.
10 A. James Chasen.
11 Q. Mr. Chasen, I'm placing before you
12 what has been previously marked as Exhibit 1.
13 Have you seen this notice of
14 deposition of Rayovac Corporation before?
15 A. No, I haven't.
16 Q. I ask you to flip to page 5 of
17 Exhibit 1.
18 A. Do you want me to read the whole
19 thing?
20 Q. Actually, why don't you read the
21 first two pages.
22 Have you finished reading the two
23 pages?
24 A. Page 5?
25 Q. Yes. Can you please turn to

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5

1 JAMES CHASEN - CONFIDENTIAL
2 page 5. I'm going to ask you to read topic
3 number 1 listed on page 5.
4 A. "Defendant's research and
5 development, product design and testing for the
6 cleaning devices of its shaving products,
7 including, but not limited to, Titanium Smart
8 Systems."

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9 Q. Mr. Chasen, have you been
10 designated by Rayovac Corporation to speak on
11 behalf of the company with regard to topic
12 number 1?
13 A. Yes.
14 Q. Can I ask you to read to yourself
15 topics 6, 7, 8 and 9, and let me know when
16 you're done.
17 A. Out loud or just to myself?
18 Q. You can read it to yourself.
19 A. I'm sorry, I did see this document
20 before. I was looking at the very first page,
21 but I remember seeing these.
22 Q. Page 5?
23 A. Yes, I just wanted to clarify that.
24 Q. Sure.
25 A. Okay.

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6
1 JAMES CHASEN - CONFIDENTIAL
2 Q. Have you been designated by Rayovac
3 Corporation to speak on behalf of the company
4 with regard to topics 6, 7, 8 and 9 as well?
5 A. Yes.
6 Q. And, Mr. Chasen, as a result of
7 that designation by Rayovac, do you understand
8 that you are here today to testify under oath,
9 not only as to matters known to you personally,
10 but also as to matters known or reasonably
11 available to Rayovac Corporation with regard to
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14 A. I have a Bachelor of Science in
15 mechanical engineering from Fairleigh Dickinson
16 university.
17 Q. When did you receive your BS in ME?
18 A. 1983.
19 Q. Any other education beyond that?
20 A. No.
21 Q. Describe your employment history
22 following college.
23 A. I worked for a company called CE
24 Lummus Engineering as a piping and
25 instrumentation engineer for about three years.

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1 JAMES CHASEN - CONFIDENTIAL
2 two to three years.
3 After that, I worked for Electrolux
4 Corporation. They're an appliance manufacturer
5 of vacuum cleaners. I was a product engineer
6 there for approximately three to four years.
7 Following that, I was hired as a
8 project engineer, senior project engineer for
9 Black & Decker, and I was with them for over 16
10 years doing new product development, R&D, that
11 type of thing, mainly related to appliances.
12 Black & Decker changed hands --
13 actually, sold the appliance division to a
14 company called Appliance, so the names are a
15 little different. I don't know if that's
16 relevant.

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12 these five topics?
13 A. Yes.
14 Q. What did you do to prepare for
15 today's deposition?
16 A. Well, Jim and I just went over --
17 briefly over some of my notes to refresh my
18 memory so that -- in preparation.
19 Q. Aside from Mr. Shimota, who else
20 did you speak to, if anyone?
21 A. About this deposition?
22 Q. Yes, in order to prepare for this
23 deposition.
24 A. Nobody.
25 Q. What documents did you review? You

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1 JAMES CHASEN - CONFIDENTIAL
2 said your notes -- anything else?
3 A. Most of my development notes that I
4 had. I had a lot of looseleaf binders with my
5 personal files, and there were also some e-mails
6 and things that I just briefly scanned that were
7 from some other people of our group.
8 (Mr. Liang enters deposition.)
9 MS. WENDLANDT: Mr. Chasen, this is
10 my colleague, Mr. Liang.
11 Q. Mr. Chasen, can you briefly tell me
12 about your educational history starting with
13 college?

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17 Q. This was during the 16-year period
18 that you were there?
19 A. Yes. But it was basically the same
20 company doing the same thing. It was purchased
21 by another company. I don't know if that's
22 relevant.
23 After that, I worked for Remington
24 Corporation and I've been with them ever since,
25 primarily doing new product development, R&D.

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. When did you begin your employment
3 with Remington?
4 A. January of 2003.
5 Q. And I understand that now Remington
6 has been merged with Rayovac Corporation?
7 A. This is a common trend that's been
8 going on in my life.
9 Q. So for purposes of this deposition,
10 just so you know, I will be referring to
11 Remington and Rayovac interchangeably.
12 A. As one company, that's fine.
13 Q. If there's a significant difference
14 that makes the question not understandable by
15 you, please let me know.
16 A. Okay, sure.
17 Q. You began with Remington in January
18 of 2003?

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19 A. Yes. 3208.txt
20 Q. What was your position when you
21 began?
22 A. I started as a consultant and I was
23 a consultant for approximately three months, a
24 full-time consultant, actually working
25 approximately 40 hours a week; and then after
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1 JAMES CHASEN - CONFIDENTIAL
2 that, Yuri Avila, the person I was reporting to,
3 offered me a full-time position as a Remington
4 employee, so around April of 2003 I was then
5 hired as an R&D engineer, was my job title.
6 Q. What were your responsibilities in
7 April of 2003?
8 A. Primarily the development of the
9 cleaning system was what I was hired for, and
10 that was my main job for the next year or so,
11 and then I started getting a few other
12 assignments, but primarily that was my main
13 assignment.
14 My function was primarily in the
15 conceptualization of new ideas, the testing, the
16 evaluation, the prototyping. Just making the
17 product work was the main reason I was hired.
18 Q. Did you have a job title at the
19 time, April 2003?
20 A. Yes. It was an R&D engineer.
21 Q. What is your current position?
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24 in January or April 2003, you were working on
25 the alcohol-based cleaning system?
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1 JAMES CHASEN - CONFIDENTIAL
2 A. That's correct.
3 Q. I understand that the genesis of
4 the idea had already formed when you joined
5 Rayovac, but you're here to testify on behalf of
6 the knowledge of the company.
7 Do you know who came up with the
8 idea for the alcohol-based cleaning system?
9 A. No, I don't know the person who
10 said, "we want to have an alcohol-based cleaning
11 system." That, I don't know.
12 Q. Is there somebody at Rayovac that
13 knows that?
14 A. Probably, yes. I would say
15 probably Yuri Avila would know the person that
16 initially came up with that.
17 Q. Do you know when the idea was
18 conceived?
19 A. No. I do know that they were
20 thinking about it at least a year or two ahead
21 of time, but not a lot has been really done.
22 Q. Ahead of the time that you were
23 hired?
24 A. That I arrived, yes.
25 It was obvious that some work had

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22 A. With Rayovac it's called a
23 principal engineer, although my card says
24 "Principal Engineer, Research and Development,"
25 so -- I like that end of it.
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11

1 JAMES CHASEN - CONFIDENTIAL
2 Q. Have your responsibilities changed
3 as a result of the title switch?
4 A. No. Still the same.
5 Q. Mr. Chasen, can you describe the
6 genesis of the idea for the Remington cleaning
7 device?
8 A. Well, when I came on board, the
9 genesis of the idea was already established, so
10 it wasn't me coming up with the idea saying,
11 "Oh, let's do a cleaning system."
12 The idea of a wet cleaning system
13 was already established --
14 Q. I'm sorry, a wet cleaning system?
15 A. Yes.
16 When I say "wet," it means with
17 alcohol because -- I won't get into that.
18 I'm working on other things that
19 aren't necessarily alcohol, so --
20 Q. You're currently working on other
21 things that are not necessarily alcohol?
22 A. Uh-huh.
23 Q. But at the time when you started,
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1 JAMES CHASEN - CONFIDENTIAL
2 been done prior to my arrival. Exactly how
3 long, I don't know.
4 Again, Yuri Avila would probably be
5 the person that would have that information.
6 Q. What was the motivation behind
7 Rayovac's decision to come up with an
8 alcohol-based cleaning system?
9 A. I think they wanted to get into a
10 higher price-point category for their shaver
11 line. I think there was so much they could
12 charge for an electric shaver, so they wanted
13 higher price-points. I believe that's why they
14 did it. I'm not in marketing so I can't say for
15 certain what their reasons were.
16 Q. So it's Rayovac's testimony that
17 the decision to go forward with the
18 alcohol-based cleaning system was made by
19 somebody in marketing?
20 A. Yes. That's usually how it works.
21 (Exhibit 2 for
22 identification, one page document entitled,
23 "Remington Cleaning/Recharging System,"
24 production numbers R 002955.)
25 Q. Mr. Chasen, I've placed before you
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1 JAMES CHASEN - CONFIDENTIAL
2 What has been marked Exhibit 2, which is a
3 document entitled, "Remington Cleaning
4 Recharging System, Revised August 21, 2001."
5 Do you see that?
6 A. Uh-huh.
7 Q. Can you review that document?
8 A. Okay.
9 Q. This is the earliest document that
10 Rayovac has produced regarding Remington's
11 cleaning device.
12 Do you have any knowledge of any
13 documents earlier concerning the Rayovac
14 cleaning device?
15 A. No. This was well before my time.
16 Q. And you have not, in preparation
17 for your deposition on behalf of Rayovac,
18 reviewed any documents that are earlier than
19 this?
20 A. To be honest, I don't remember. I
21 mean, I skimmed a lot of pages, so if it was
22 something that was earlier than that, I wasn't
23 looking at dates or anything. I was just kind
24 of skimming through it, so --
25 Q. Is Mr. Avila still with Rayovac

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1 JAMES CHASEN - CONFIDENTIAL
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5 A. Did Rayovac? Not to my knowledge.
6 Q. You mentioned Rayovac --
7 A. You said did Rayovac have a
8 cleaning device prior to this date? I keep
9 going Remington in my mind. No, they didn't.
10 There was no cleaning device prior to this
11 time --
12 Q. At this time, August 21, 2001, the
13 date of this document, did Rayovac have a
14 competing device for the Braun Syncro device?
15 A. Not to my knowledge.
16 (Exhibit 3 for
17 identification, One page document, handwritten
18 notes, production numbers R 000666.)
19 Q. Mr. Chasen, I've placed before you
20 what has been marked Exhibit 3, which is a
21 document dated 9/17/01, "Test Braun Syncro."
22 Do you see that?
23 A. Yes.
24 Q. Have you seen this document before?
25 A. No, I don't believe I have.

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. Do you know why on September 17,
3 2001 Rayovac would have been conducting tests of
4 Braun Syncro's device?
5 A. I could speculate.
6 Q. Well, you're here to speak on

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2 Corporation?

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3 A. Yes.
4 Q. Where does he work?
5 A. Madison, Wisconsin.
6 Q. Prior to today's deposition, had
7 you seen this document before?
8 A. I believe I might have scanned it
9 yesterday in preparation. I looked at a lot of
10 pages.
11 Q. Mr. Chasen, do you know why in this
12 document the Braun Syncro device is mentioned?
13 A. No, I don't.
14 Q. Do you know why in this document
15 the size constraints for the Rayovac cleaning
16 device would be determined as a function of the
17 Braun cleaning device?
18 A. No.
19 The only thing I can think of is, I
20 guess at this date the Braun Syncro was a
21 competitor product out on the market, and we do
22 that all the time when we're looking to
23 introduce a new product, we look at the
24 competition and see what's out there. It's a
25 normal occurrence.

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. Do you know at this time, August
3 21, 2001, did Rayovac have a competing device
4 for the Braun Syncro?

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7 behalf of Rayovac Corporation. Not to
8 speculate.
9 A. Okay. It was most likely to
10 evaluate competitor units.
11 Q. And at this time, September 19,
12 2001, Remington had no competitor unit for the
13 Braun Syncro, did it?
14 A. No.
15 Q. Do you know who tested the Braun
16 Syncro?
17 A. No, I don't. I don't know who
18 tested it back then.
19 Q. Do you know whose handwriting is
20 depicted in Exhibit 3?
21 A. It's either Bob Garbarino or Will
22 Valentine. One of those two gentlemen.
23 Q. Is Bob Garbarino still with Rayovac
24 Corporation?
25 A. No.

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18

1 JAMES CHASEN - CONFIDENTIAL
2 Q. Do you know where he is?
3 A. I believe he's working for a
4 company in Milford, Connecticut.
5 Q. How about Will Valentine?
6 A. He's working for Hubbel Corporation
7 in Bridgeport, Connecticut.
8 Q. As of September 17, 2001, did
9 Rayovac Corporation have a prototype of a

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10 cleaning device that was intended to compete
 11 with the Braun Syncro?
 12 A. I don't believe so, no. Not that
 13 early.
 14 Q. What was the original concept for
 15 the Remington or Rayovac cleaning device? Would
 16 you describe that for us?
 17 MR. SHIMOTA: Objection to form.
 18 A. The original concept?
 19 Q. That's right.
 20 On September 17, 2001, there was no
 21 Rayovac prototype. Did there come a time that
 22 Rayovac came up with a concept design?
 23 A. Well, when I came on the picture in
 24 '03, there was already a fairly well defined
 25 concept or direction to go into. I know that

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1 JAMES CHASEN - CONFIDENTIAL
 2 they were looking at some other approaches, but
 3 I really don't know exactly what those were.
 4 They were kind of before my time; and when I
 5 came on board it was kind of like, okay, here we
 6 go. We're going to go in this direction and
 7 let's try to make it work, and that's what I was
 8 hired to do.
 9 Q. Who at Rayovac would know about the
 10 original concepts?
 11 A. Again, Yuri Avila would be the --

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15 refillable container," and then it goes on.
 16 Did Rayovac consider a cartridge at
 17 one point?
 18 A. I don't know. I don't know.
 19 They were -- when I came on board,
 20 it was having separate bottles and filling the
 21 bottom housing with fluid. Cartridges were not
 22 considered when I came on board.
 23 Q. Would Yuri Avila be the person to
 24 answer that question?
 25 A. Probably would, yes.

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21

1 JAMES CHASEN - CONFIDENTIAL
 2 Q. Exhibit 4 discusses a shaver
 3 cleaner and charger system.
 4 Prior to reviewing this document,
 5 had anybody discussed with you this type of
 6 cleaner charger system for Rayovac?
 7 A. You mean the way it's executed
 8 right here?
 9 Q. That's right.
 10 A. No, no.
 11 Q. So you don't know anything about
 12 this particular cleaning system?
 13 A. No, I don't. I really don't. This
 14 was before my time. Obviously they were
 15 tinkering with some other executions than the
 16 way it is now.

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12 he was the engineering manager for shavers, and
 13 that fell under his jurisdiction from an
 14 engineering standpoint. From a marketing
 15 standpoint, you'd have to -- you know, sometimes
 16 they have some ideas that might have been
 17 floating around then, so you'd have to talk to
 18 them.
 19 Q. Who would be the marketing person?
 20 A. Jim Doyle.
 21 (Exhibit 4 for
 22 identification, Multi-page document, first page
 23 entitled, "Shaver Cleaner & Charger System,"
 24 production numbers R 002935 through R 002941.)
 25 Q. Mr. Chasen, I've placed before you

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20

1 JAMES CHASEN - CONFIDENTIAL
 2 what has been marked Exhibit 4. Have you seen
 3 this document before?
 4 A. No, I have not.
 5 Q. Can I ask you to review the
 6 document which is dated October 12, 2001,
 7 Exhibit 4.
 8 A. Okay.
 9 Q. Turning your attention to the
 10 second page of the exhibit, number 13 on that
 11 page of major components --
 12 A. Yes.
 13 Q. It states, "Two options to be
 14 considered: A, disposable cartridge; B,
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17 Q. Do you know if Rayovac created a
 18 prototype of this concept, the one shown or
 19 described in Exhibit 4?
 20 A. No, I don't believe -- no, I've
 21 never seen this prototype.
 22 Q. Did Rayovac conduct any market
 23 studies to determine consumer's tastes as to a
 24 cleaning device for dry shavers?
 25 MR. SHIMOTA: Objection.

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1 JAMES CHASEN - CONFIDENTIAL
 2 Outside the scope.
 3 A. I believe -- I don't know for sure,
 4 but they must have. They definitely must have.
 5 Q. Are you aware of any market studies
 6 yourself?
 7 MR. SHIMOTA: Same objection.
 8 A. I don't know. I really -- my
 9 function there was strictly engineering, so a
 10 lot of those marketing-type functions, I really
 11 wasn't privy to a lot of that, especially during
 12 the first three months I was there as a
 13 consultant coming in. My main focus was the
 14 engineering side of it. Not the marketing side
 15 of it.
 16 Q. As part of your engineering duties,
 17 did you have an understanding of what the
 18 motivation was behind Remington's decision or
 19 Rayovac's decision to enter the market with the
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20 cleaning device?
21 A. I would assume it was a way to
22 clean the shaver. You know, they wanted to come
23 out with a higher price-point product that can
24 clean their rotary shavers and foil shavers.
25 Q. Did anybody explain that motivation

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1 JAMES CHASEN - CONFIDENTIAL
2 to you when you started at Rayovac?
3 A. Well, Yuri Avila, when I
4 interviewed there, he said, "We're working on a
5 system to clean shavers and this is what we have
6 so far," and kind of walked me through it. They
7 didn't go into a big marketing thing, "This is
8 why we're doing it, to" -- anything like that.
9 It was just, you know --
10 Q. So you can't today speak to any
11 knowledge of Rayovac Corporation with regard to
12 the development of its cleaning device prior to
13 the time that you joined?
14 A. I'd feel uncomfortable doing that
15 because I wasn't there.
16 Q. Even though Rayovac has designated
17 you as the person to speak on its behalf?
18 A. Right. I do know of -- like, even
19 what was done maybe three or four months before
20 I arrived, I saw some earlier work, but I mean
21 stuff that's even before that, I mean, the

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25 system. Was Rayovac aware of any other cleaners
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1 JAMES CHASEN - CONFIDENTIAL
2 for dry shavers?
3 A. Not to my aware -- not to my
4 knowledge.
5 (A recess was taken.)
6 (Exhibit 5 for
7 identification, Multi-page document, E-mail
8 dated 10/22/01 with attachment, production
9 numbers R 002956 through R 002958.)
10 (Exhibit 6 for
11 identification, Multi-page document, photographs
12 of cleaning device, production numbers
13 R 002950 through R 002954.)
14 Q. Mr. Chasen, we're back on the
15 record.
16 I placed before you what has been
17 marked as Exhibit 6.
18 A. 6 before 5?
19 Q. That's right.
20 Which appear to be photographs of a
21 cleaning device.
22 A. Okay.
23 Q. Have you seen this device before,
24 or these photographs?
25 A. No, I haven't. I haven't seen this

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22 decision was already made at that time not to go
23 in this direction that you showed me here.
24 Q. Exhibit 4?
25 A. Exhibit 4, yes.

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1 JAMES CHASEN - CONFIDENTIAL
2 That was just not on the table.
3 They had developed a prototype that had -- that
4 is similar to what you see on this table here,
5 although nonfunctioning at the time, and that's
6 kind of where I came in.
7 So -- and I know that there was
8 some work done previous to that by a gentleman,
9 Will Valentine, who was a product engineer as
10 well, and he was doing some earlier work with
11 cleanability and so forth, using this type of
12 approach.
13 Q. When you say "this type of
14 approach" and "what you see on this table,"
15 you're --
16 A. Injecting into the hair pocket of
17 the shaver.
18 Q. Let me finish the question, though.
19 When you said in your previous
20 answer "this type of approach" and "what you see
21 on this table," you're referring to the products
22 that Remington is currently marketing?
23 A. That's correct.
24 Q. Prior to the Braun Syncro cleaning
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26

1 JAMES CHASEN - CONFIDENTIAL
2 before. It looks like a blender.
3 Q. Do you know if it's a cleaning
4 device for shavers?
5 A. No doubt it is.
6 Q. You have no doubt that it is?
7 A. Yes. Well, I could see the -- the
8 top is shaped like a head of a rotary shaver, so
9 this is most likely for a rotary shaver cleaning
10 system; and I guess the intent was that the
11 shaver would fit in the top there and it looks
12 like there's some plumbing devices down below
13 that would move fluid.
14 Q. Beyond that, do you know how this
15 device operates?
16 A. Based on Exhibit 5, I do.
17 Q. Okay. Can you tell me what Exhibit
18 5 is?
19 A. Well, Exhibit 5 is a proposal for
20 an electric controller, so what this is, is a
21 communication between Fred Mercurio and a guy
22 named Robert Schenck who is a consultant for
23 prototyping electronics, so what he's doing is
24 he's communicating to him for a proposal to
25 control some pumps and other devices

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1 JAMES CHASEN - CONFIDENTIAL
2 sequentially for cleaning.
3 So he's saying we want a breadboard
4 prototype of this. This is not that uncommon.
5 We do this kind of stuff all the time for making
6 prototypes, have a consultant make a part for
7 us, make an electronic board or something like
8 that.
9 Q. So this consultant, Mr. Schenck, is
10 making a prototype board for the --
11 A. Or he's quoting, he's saying phase
12 I, this is what it will be and this is what I'll
13 charge. It's a proposal for making a control
14 board for a cleaning system.
15 Q. And based on your review of
16 Exhibits 5 and 6 --
17 A. I don't know for sure if these two
18 tie exactly together. I mean, if they were
19 dated, you know -- if they were dated I could
20 probably tell that it was -- this was for that,
21 but just reading this and looking at that
22 picture, I can't be 100 percent certain that
23 this goes with that.
24 Q. But are you familiar with
25 Mr. Schenck?

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1 JAMES CHASEN - CONFIDENTIAL
2 A. No, I'm not.
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5 impact the plans," and then it goes on.
6 Do you know whether Mr. Schenck
7 reviewed patents in connection with his work for
8 Rayovac?
9 A. It was to probably make sure that
10 it didn't infringe with what Braun was doing.
11 They wanted to make sure that they didn't
12 infringe on Braun's patents.
13 Q. When you say "they," who are you
14 referring to?
15 A. Frank and Robert Schenck.
16 Q. Frank Mercurio?
17 A. Yes. Frank was a design engineer
18 working under Yuri Avila. He's been with the
19 company maybe, like, five years, six years.
20 Something like that.
21 Q. And he's still with the company?
22 A. Yes. He's in Madison, Wisconsin.
23 He's now a manager under Yuri now. When he
24 moved out there he got a promotion.
25 Q. Do you know whether Mr. Schenck

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1 JAMES CHASEN - CONFIDENTIAL
2 actually reviewed any of Braun's patents in
3 connection with his work?
4 A. No. Unfortunately, I don't. I
5 don't. I'm just talking based on this document.
6 Q. And you don't know the results of
7 his patent review, if any?
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3 Q. You had previously described him as
4 a consultant?
5 A. Yes. Because it says "RAS
6 Consulting, 245 West Main Street, Hebron"; and
7 on the bottom he's saying how much he's going to
8 charge, so to me there's no doubt that this guy
9 is a consultant.
10 Q. Do you know why Mr. Schenck was
11 testing the Braun unit?
12 A. Probably because -- well, it was a
13 competitive unit at the time on the market for a
14 cleaning system, so as a base of reference they
15 probably took the competitive Braun unit, took
16 the motor out and did an analysis of it. That's
17 all.
18 Q. In this e-mail dated October 22,
19 2001, which is Exhibit 5, Mr. Schenck goes on to
20 say in the middle of the paragraph, "I will need
21 to review the patents to make sure our mutual
22 plans are okay."
23 A. Where is this?
24 Q. On the first page.
25 A. Okay.

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. It says, "I will need to review the
3 patents to make sure our mutual plans are okay.
4 I will notify you if I see a conflict. It may
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8 A. No. Unfortunately, I'm sorry.
9 Q. Do you know whether he notified
10 Rayovac of his review of the Braun patents?
11 A. No, I don't.
12 Q. Aside from what Mr. Schenck may or
13 may not have done with regard to this e-mail,
14 Exhibit 5, did Rayovac conduct a liability
15 review in the course of developing the Rayovac
16 cleaning system?
17 A. I know that there was a lot of
18 discussion with Mel Stoltz, S-T-O-L-T-Z, I
19 think. He was our corporate attorney and
20 everything that we did we made sure that we
21 cleared it through him to make sure it was okay,
22 that we weren't doing any infringing on anybody.
23 So we had several meetings with Mel at Rayovac,
24 or Remington at the time, in Bridgeport, and
25 showed him all phases of the project.

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1 JAMES CHASEN - CONFIDENTIAL
2 And I know for a fact even before I
3 came that they also had conversations with Mel
4 Stoltz to make sure what they were doing was
5 okay, the directions that they were taking were
6 okay.
7 (Exhibit 7 for
8 identification, multi-page document, E-mail
9 dated 8/23/02, production numbers R 002714

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10 through R 002715.)
 11 Q. Mr. Chasen, I've placed before you
 12 Exhibit 7, which is two e-mails, the last one
 13 dated August 23, 2001.
 14 Have you seen this document before?
 15 A. I don't believe I have. Do you
 16 want me to read it in detail here or --
 17 Q. One moment. I'll ask you a
 18 question. Actually, yes. You can review the
 19 document.
 20 A. Okay.
 21 Q. Directing your attention to the
 22 first page, paragraph 2-A, why was Rayovac only
 23 interested in making claims associated with
 24 cleaning the actual shaver similar to that of
 25 Braun?

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1 JAMES CHASEN - CONFIDENTIAL
 2 MR. SHIMOTA: Objection.
 3 Outside the scope. Form.
 4 A. I'm not really sure.
 5 Well, according to this document,
 6 it says if you only make claims about cleaning
 7 the shaver, then the cleaning solution is
 8 regulated as a household cleaning product -- I'm
 9 just reading what it says here in 2-5 and
 10 stating what it says, so -- what was your
 11 specific question? Do I know why they were only
 12 making claims about --

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13 Q. The question was, why was Rayovac,
 14 quote, "only interested in making claims
 15 associated with cleaning the actual shaver that
 16 is part of the package sold with the cleaning
 17 base, similar to that of Braun"?
 18 MR. SHIMOTA: Objection.
 19 Outside the scope.
 20 A. They wanted to develop a cleaning
 21 system for a shaver. That's what they were
 22 interested in.
 23 Q. Why was it important or significant
 24 to be similar to Braun?
 25 MR. SHIMOTA: Same objection.

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1 JAMES CHASEN - CONFIDENTIAL
 2 A. I don't know. I mean, maybe your
 3 best off talking to somebody in marketing about
 4 that. It's possible that that was their
 5 benchmark, a competitive benchmark to go after.
 6 Q. So in the design of the Remington
 7 device, whether or not Braun was a benchmark was
 8 something that the design engineers didn't know?
 9 A. It was always -- I'm not going to
 10 lie. We looked at the Braun as far as its
 11 cleaning efficacy and it did a pretty decent job
 12 in cleaning the shaver, so in the development of
 13 this product, we wanted to make sure that it
 14 cleaned equally as well.

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15 Marketing was apparently satisfied
 16 with the cleanability of the Braun unit on how
 17 well it performed, so when we developed this
 18 product, it came up in discussions that, "Gee,
 19 we would like it to perform as well as the Braun
 20 unit," so -- I don't know if I answered you --
 21 Q. You did answer the question.
 22 It appears based on Mr. Shimota's
 23 objection and your lack of knowledge that
 24 actually Exhibit 7 may be something related to
 25 the marketing, not necessarily the design of the

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1 JAMES CHASEN - CONFIDENTIAL
 2 device.
 3 A. The way I interpret this document,
 4 Product Genesis is some kind of a consulting
 5 house and they're having this conversation on
 6 how should we brand this, how should we sell the
 7 solution. They're asking these type of
 8 questions, which I normally -- engineering, my
 9 function would not get involved in these types
 10 of discussions at all.
 11 Q. And who would?
 12 A. Jim Doyle -- Jim Doyle is even
 13 copied on here. Peter Katz at the time was the
 14 marketing manager for this product line and he
 15 left the company during -- when I was there.
 16 Q. Do you know how long ago he left?
 17 A. Sometime -- I think it might have

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18 been in '03, towards the latter end of the year.
 19 Q. Do you know where Mr. Katz is now?
 20 A. I have no idea where he is, no.
 21 I wish I could be more help on
 22 this --
 23 Q. You're doing fine.
 24 A. I'm trying here. I really am.
 25 Q. Some of my questions might not make

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1 JAMES CHASEN - CONFIDENTIAL
 2 sense. You know more about the business than I
 3 do --
 4 A. Think of me as a technical
 5 geekhead. Don't think of me as a marketing
 6 side, but I'll do whatever I can to answer
 7 the questions. I do know some.
 8 Q. I appreciate that.
 9 (Exhibit 8 for
 10 identification, Multi-page document, E-mail
 11 dated 9/9/02, production numbers R 002729
 12 through R 002732.)
 13 Q. Mr. Chasen, I've placed before you
 14 Exhibit 8. Have you seen this e-mail before
 15 dated September 9, 2002?
 16 A. No, I haven't.
 17 Q. Can I ask you to read the first
 18 paragraph of that e-mail.
 19 A. Okay. The two top paragraphs?

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20 Q. No. Just the first paragraph,
21 actually.
22 A. Sure.
23 Q. What were the two solutions being
24 explored by Rayovac with Thermoelectron?
25 A. I don't know who Thermoelectron is.

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JAMES CHASEN - CONFIDENTIAL
1 We were working with an outfit called Topiderm
2 out on Long Island, a formulating house for our
3 solution. They formulated the cleaning solution
4 for us. I have never heard of Thermoelectron.
5 Q. How about Product Genesis?
6 A. I don't know who those guys are
7 either. I'm sorry.
8 Q. This e-mail is directed to
9 Mr. Avila. Would he be the most knowledgeable
10 person at Rayovac about this?
11 A. Yes, I believe he would.
12 Q. I'll ask you to turn back to
13 Exhibit 4. Exhibit 4 describes a cleaning
14 system which appears to include a disposable
15 cartridge. Do you know when Rayovac decided to
16 reject the disposable cartridge concept of this
17 design?
18 A. I don't know the exact date. It
19 was definitely before I got there. I know that
20 marketing would have liked to have had a
21 disposable cartridge like yours because it's a
22 Page 33

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25 A. Yes. I mean, there's -- when I
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JAMES CHASEN - CONFIDENTIAL
1 came on the project, the design direction was
2 already pretty much solidified; and when
3 marketing asked for a cartridge, we were, like,
4 well, gee, that's like a major thing, a major
5 design change, very difficult to execute, to
6 have it removed and come out and so forth,
7 there's a lot that goes in there so we decided
8 not to do that.
9 Q. So going back to Exhibit 4, which
10 is dated October 12, 2001 --
11 A. To my knowledge, I've never seen
12 this prototype. This was never made or never
13 seriously considered.
14 I mean, it was laid out at the time
15 saying here's one approach, and they laid it
16 out, but I have never seen this prototype and I
17 know that I would have seen it if it was ever
18 made because I was on the technical team and I'm
19 sure I would have seen prior things that they've
20 done. They would have shown me, "Here, we made
21 this, what do you think?" Never saw this.
22 Q. I'm trying to figure out the
23 time-line. That, Exhibit 4, appears to be a
24 concept of a cleaner that includes a cartridge.
25

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23 nice little system.
24 Q. When you say "like yours," do you
25 mean Braun?
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1 A. Braun. Yes. It was a very
2 desirable feature that I think marketing would
3 have liked, but there were most likely some
4 infringement possibilities that prevented us
5 from taking that approach; and also, it was a
6 little bit more difficult to execute.
7 I think our system, from a plumbing
8 standpoint, is a little more straightforward, a
9 little more easier.
10 Q. You stated that there was likely
11 infringement possibility.
12 What do you mean by that?
13 A. Well, they probably ran it by Mel
14 Stoltz, our attorney, and he said, "You can't do
15 that."
16 Q. Do you know if, in fact, that
17 happened?
18 A. No, I don't.
19 Q. Who would know that?
20 A. Yuri would probably know that.
21 Q. And you also mentioned that the
22 reason for rejection of the cartridge device was
23 the difficulty in executing it due to plumbing?
24

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1 JAMES CHASEN - CONFIDENTIAL
2 At some point, the cartridge was rejected prior
3 to your employment at Rayovac?
4 A. Right. And I don't know the exact
5 reason why. I mean --
6 Q. Let me finish the question first.
7 So in 2001 there's a cartridge
8 design at least being considered based on
9 Exhibit 4.
10 2003, you come on board and the
11 cartridge design has already been rejected.
12 Now, you stated that at some point marketing
13 asked you to reintroduce the cartridge, and at
14 that point you determined that it was difficult
15 from an engineering perspective to introduce a
16 cartridge?
17 A. Yes. I knew their desire for a
18 cartridge. It's obvious that marketing looked
19 at the Braun system and liked the way the
20 cartridge could be removed and it was simple for
21 the consumer to interface with.
22 And when they asked that question
23 of us, we were, like, "The product is already
24 designed. We can't go back and redesign
25 anything right now."

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. When did they ask you that
3 question?
4 A. Maybe sometime during the first
5 year of my employment.
6 Q. When you stated in your previous
7 answer that there was a likely infringement
8 possibility, did that also enter the analysis at
9 the time that marketing asked your group to
10 reintroduce the cartridge concept?
11 A. I'm not sure. Most likely, yes.
12 It's very -- when there's a
13 competitor product, you don't just say "I'm
14 going to do it exactly like that" because there
15 are repercussions. That's why we're sitting
16 here. We're usually very careful about not
17 copying somebody's design like that, so I'm sure
18 they looked at the Braun design, saw the
19 cartridge and said, you know, "You can't just
20 take their idea."
21 You have to make sure that -- you
22 know, that their patents on it are respected and
23 I'm sure that that's what was done.
24 Q. Going back to Exhibit 4, as I
25 understand Exhibit 4, and feel free to correct

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1 JAMES CHASEN - CONFIDENTIAL
2 me, from an engineering perspective, what was
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6 the patent.
7 Q. What patent are you referring to?
8 A. Well, we have our own patent
9 applications for the way we're executing this
10 design, and that document --
11 MR. SHIMOTA: I'll instruct you not
12 to disclose the contents of that document.
13 THE WITNESS: All right.
14 A. But at least there's a date there
15 that would say that's when it was formally
16 entered into the system.
17 MS. WENDLANDT: Mr. Shimota, just
18 so I understand your objection, is that based on
19 an attorney-client confidentiality?
20 MR. SHIMOTA: It's privileged.
21 MS. WENDLANDT: What kind?
22 MR. SHIMOTA: Attorney-client
23 privilege.
24 MS. WENDLANDT: So it hasn't been
25 disclosed, this application, to any third party?

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1 JAMES CHASEN - CONFIDENTIAL
2 MR. SHIMOTA: I believe he's
3 talking about invention disclosure as opposed to
4 a patent application.
5 THE WITNESS: Right. I'm just
6 trying to help you. You want me to give you a
7 time-line and I'm thinking if I were to try to

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8 find a time-line, I would look at that document
9 and say, oh, that's when they invented it.
10 MS. WENDLANDT: Thank you for the
11 clarification.
12 Q. Do you know who came up with the
13 idea of injecting the fluid to the shaver head?
14 A. Tim Simone.
15 (Exhibit 9 for
16 identification, multi-page document entitled,
17 "Cleaning System Design," production numbers
18 R 001800 through R 001810.)
19 Q. Mr. Chasen, I've placed before you
20 Exhibit 9, which is a document dated 12/18/02,
21 just a month before you started your consulting
22 for Rayovac.
23 Is this the original -- I should
24 say the design that you were originally told of
25 by Yuri Avila?

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1 JAMES CHASEN - CONFIDENTIAL
2 cleaning fluid directly or injecting cleaning
3 fluid directly to the shaver head arise?
4 A. That would be on the disclosure --
5 I could find that on the original disclosure for
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1 JAMES CHASEN - CONFIDENTIAL
2 A. Yes.
3 Q. Can you explain to me how this
4 12/18/02 cleaning system works?
5 A. Sure.
6 You've got a pump, a fluid pump
7 located in this area here. This section right
8 here.
9 Q. Would you mark that? Could you
10 label it "pump."

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11 A. And what happens is, this bottom
12 housing here contains the cleaning solution, and
13 this is your filter area right here.
14 Q. Could you label it "filter,"
15 please.
16 A. And what happens is, the fluid gets
17 sucked up by the pump right here in the bottom,
18 and there is plumbing here which is not shown in
19 this view, but the outlet of the pump goes to
20 what we call the injector, and the injector is a
21 manifold with three nozzles sticking out, and
22 those three nozzles, just like in here --
23 Q. Just sticking with the 12/18
24 design.
25 A. It's the same. That's why I

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2 figured for clarification.
3 So the fluid then comes up out of
4 the pump into the manifold and gets instructed
5 into the hair pocket of the shaver, and this is
6 the hair pocket --
7 Q. Can I stop you?
8 What is the manifold?
9 A. It's not shown in this view, but
10 it's a way of injecting the fluid into the hair
11 pocket.
12 Q. Is it shown in any other view that

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16 So the pump sucks up the fluid to
17 the manifold, which injects it --
18 A. Into the hair pocket of the shaver.
19 When I say "hair pocket," that's that part that
20 pivots open on the shaver.
21 Q. Can you show me on the physical
22 device?
23 A. This part here.
24 Q. Thank you.
25 A. You'll see a lot of this

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1 JAMES CHASEN - CONFIDENTIAL

2 terminology in a lot of the documents.
3 Q. The hair pocket --
4 A. The hair pocket.
5 And for foils as well, the hair
6 pocket on a foil is the same thing -- it's the
7 part that's kind of like housing. It's like an
8 end housing --
9 Q. For the cutters?
10 A. Yes. It's kind of where all the
11 hair kind of goes and collects.
12 You're not an electric shaver user?
13 Q. I personally am not.
14 A. And you work for Braun?
15 Yes, so it goes from the manifold
16 and it's got little nozzles on the manifold that
17 inject it into these three openings on the hair

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13 is part of this Exhibit 9?
14 A. No. Because at the time he had not
15 designed that part yet.
16 Q. Who is "he"?
17 A. Scott Larsen.
18 Scott Larsen was a consultant that
19 was hired by Remington at the time. Scott
20 Larsen was a design engineer hired by Remington
21 at the time to put some of these major
22 components together.
23 So at the time the injectors and
24 manifold was not designed yet, but it was
25 intended to go into here.

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1 JAMES CHASEN - CONFIDENTIAL

2 So this, for all intents and
3 purposes, this is incomplete, this drawing. It
4 was kind of like a work in progress, saying,
5 like, it's going to be about this big and this
6 is where the fluid is going to be held and this
7 is where the filter is going to be. This is how
8 I'm thinking where the shaver should go inside,
9 but a lot of those other details were not
10 formulated as of yet.
11 Q. Can you show me where the fluid is
12 supposed to be and label that?
13 A. I'll show it half filled.
14 How is that?
15 Q. That's fine.

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18 pocket.
19 Q. And those openings, are they shown
20 on this exhibit?
21 A. No, they're not.
22 Like I said, this was work in
23 progress, and these particular drawings were
24 only, like, an outline towards -- they didn't
25 show too much detail, so -- and these drawings

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2 are other parts that go in here that are, in my
3 opinion, not relevant, but I can explain what
4 they are if you'd like.
5 Q. No, that's fine. You can stick to
6 the first two pages of Exhibit 9.
7 A. The way it works, the pump sucks up
8 the fluid from this bottom housing here. It
9 goes up through some tubing into the manifold.
10 There are injection nozzles on the
11 manifold that direct the fluid into the hair
12 pocket of the shaver, and then the fluid then
13 comes out of the hair pocket and dribbles down
14 to this device here, which we call the basin.
15 Q. Can you label the basin on Exhibit
16 9?
17 A. Sure.
18 The basin then just channels that
19 fluid right out into the filter and then it
20 recirculates around, so it's just a continuous

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21 flow system. So it gets sucked up, injectors,
22 through the filter, goes down that way. It's
23 actually very simple.
24 Q. When you were retained in January
25 of 2003 to work for Rayovac you were a

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1 JAMES CHASEN - CONFIDENTIAL

2 consultant at the time. What was your job
3 description?

4 A. Well, I didn't have a job title
5 because I was a consultant, but --

6 Q. What were your responsibilities?

7 A. Prototyping, testing, invention,
8 part -- you know, inventing some of the
9 subsystems to make it work, doing some of the
10 R&D, as we speak, research and development,
11 making it work. Evaluating the function of the
12 product, evaluating some of the test results.
13 Making corrections to make the product work
14 properly, doing engineering calculations, doing
15 evaluation of materials.

16 Q. You mean the type of materials to
17 be used in the construction?

18 A. Right, right.

19 We were proposing, for example, on
20 the injectors, we were having trouble that they
21 were melting during our shipping test. You
22 would put it in an oven and it would come out

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23 like a pretzel, so we had to look at different
24 materials. That kind of thing.
25 Evaluating screen sizes of the

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1 JAMES CHASEN - CONFIDENTIAL

2 filter. Evaluating how some of the problems
3 that came up, we would have to solve these
4 problems. I did a lot of that.

5 Q. And this is all exclusively in
6 connection with the cleaning system?

7 A. Yes. That was like I lived and
8 breathed these cleaning systems from January
9 '03 for the next, like, year and a half.

10 Q. Did Rayovac involve manufacturers
11 in connection with the development of the
12 cleaning device?

13 A. Yes.

14 Q. When in the process did

15 manufacturers --

16 A. Very fairly early on. They used a
17 manufacturer, Heroka Industries. They're a
18 supplier to Rayovac and they also have some
19 engineering capability and design capability,
20 and we were working very closely with this
21 manufacturer throughout the whole phase of the
22 project. Their president is a fellow by the
23 name of Edric Lau. He's a really nice guy.

24 Q. Any other manufacturers involved in
25 the design process?

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2 A. The shaver itself was an Izumi, so
3 -- the shaver was pretty much well developed
4 already and there were only some minor changes
5 that had to be made to it to make it work with
6 the cleaning base.

7 Q. Who chose Heroka to be the
8 manufacturer of the cleaning base?

9 A. I'm not sure why they picked them.
10 I don't know. I didn't have privy to that
11 information.

12 Q. In the documents I've also seen
13 another manufacturer, Haking?

14 A. Haking.

15 Q. What was their role?

16 A. They make that shaver right there,
17 the MS 5500 series.

18 Let me start over again.

19 Izumi makes the rotary shavers, the
20 R-9500 series. Heroka makes all three cleaning
21 bases. Heroka also makes the women's shaver.
22 That one there.

23 Q. WDF 7000?

24 A. Correct, WDF 7000.

25 And Haking makes the MS 5500 and

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1 JAMES CHASEN - CONFIDENTIAL

2 5700 foil shaver.

3 Q. Did Izumi play any role in the
4 development of the cleaning base?

5 A. Some -- yes, well, the shaver and
6 cleaning base kind of go hand-in-hand. Their
7 primary function was making sure the shaver was
8 properly interfaced with the cleaning base, so
9 there were modifications that had to be made to
10 the shaver to accommodate the cleaning base.

11 Do you want me to go into some
12 detail of what those modifications are?

13 Q. Not of the shaver, no.

14 Did Haking have any involvement in
15 the development of the cleaning base?

16 A. No, no. They were strictly the
17 shaver end of it.

18 (Exhibit 10 for
19 identification, multi-page document, U.S. Patent
20 No. 5,711,328.)

21 Q. Did Rayovac at any time ask Izumi
22 to manufacture the cleaning base?

23 MR. SHIMOTA: Objection.

24 Outside the scope.

25 A. Not really sure, to be perfectly

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1 JAMES CHASEN - CONFIDENTIAL
2 honest. I don't know. They might have.
3 Q. I've placed before you Exhibit 10,
4 which is the '328 patent. Have you seen this
5 patent before?
6 A. Recently, yes. I've skimmed it
7 over.
8 Q. When was the first time you saw it?
9 A. Actually, just recently.
10 Q. Within a week?
11 A. Yes, yes.
12 Q. Why did you skim the patent?
13 A. Because I knew that we were having
14 a deposition and I just wanted to kind of skim
15 it over and look at the patent.
16 Q. In connection with your design of
17 the Remington cleaning device, did you consider
18 the '328 patent?
19 A. No, because the direction was
20 already well established. Mel Stoltz was our
21 corporate attorney who was helping us along the
22 way, and, quite frankly, that's his job. So I
23 said, "Hey, Mel, are we okay?", and --
24 Q. And when you asked him if you were
25 okay --

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1 JAMES CHASEN - CONFIDENTIAL
2 A. With respect to the Braun patents.
3 Q. Were you referring to the '328
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6 the three manufacturers -- IZUMI, Heroka or
7 Haking -- expressed any concern about the Braun
8 cleaning device patents?
9 A. No, no. I don't think that was
10 their function. I mean -- I won't comment on
11 that.
12 Q. You may have answered this
13 question, but I don't think I asked it. Let me
14 just ask it.
15 How would you describe Rayovac's
16 continued use of Braun's cleaning device in its
17 development process?
18 MR. SHIMOTA: Objection. Vague.
19 Did you say Braun's cleaning
20 device?
21 MS. WENDLANDT: Yes.
22 Q. How would you describe Rayovac's
23 continued use or testing of Braun's cleaning
24 device during Rayovac's development process for
25 its cleaning device?

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1 JAMES CHASEN - CONFIDENTIAL
2 A. Okay --
3 MR. SHIMOTA: Same objection.
4 You can answer.
5 A. We looked at some of its
6 performance characteristics during the
7 development of our product. There were
8 primarily just performance characteristics.
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4 patent?
5 A. I didn't know the number of the
6 Braun patent. I just said with respect to
7 Braun's patents.
8 Q. Were you referring to Braun's
9 patents related to their cleaning device,
10 Braun's cleaning device.
11 A. Yes, yes.
12 (Exhibit 11 for
13 identification, multi-page document, U.S. Patent
14 No. 5,649,556.)
15 Q. Mr. Chasen, I've placed before you
16 Exhibit 11, which is the '556 patent. Have you
17 seen this patent before?
18 A. Is this the one I looked at or the
19 '328? They looked the same. I just skimmed
20 these a week ago and I was looking at one. I
21 didn't know there were two here.
22 Q. So you in the last week or so
23 skimmed one of either Exhibit 10 or 11?
24 A. Yes, yes. I'm sorry, I don't
25 remember the number that I was looking at.

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2 Q. Sure. Prior to that time, you had
3 not looked at either Exhibit 10 or 11?
4 A. To be perfectly honest, no.
5 Q. Did there come a time when any of
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9 meaning we looked at things such as cleaning
10 efficacy, spill tendency -- when you tip it
11 over, it spills.
12 Q. Is that the spill angle?
13 A. Yes, cleaning efficacy, spill angle
14 -- oh, the cleaning cycle, the pump turns on,
15 the fan turns on. Just general operating
16 conditions, and we evaluated the fluid as well,
17 what type of solution you guys were using.
18 Q. Why?
19 A. Why? Well, it's a competitive
20 product. Competitive product evaluation. We do
21 that with not only cleaning systems, we do it
22 with shavers. All kinds of stuff. We want to
23 see what makes the competition tick, so --
24 I'm trying to think what other
25 tests we ran, but -- noise. We looked at noise

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2 as well.
3 (Exhibit 12 for
4 identification, one-page document entitled,
5 "Cleaning System Feature Comparison," production
6 numbers R 002695.)
7 Q. I've placed before you Exhibit 12,
8 which is a document dated May 14, 2003 with your
9 name on it at the bottom which is entitled,
10 "Cleaning System Feature Comparison, Braun

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 11 Versus Remington," is that correct?
 12 A. Yes.
 13 Q. Can you tell me who did this
 14 comparison?
 15 A. I believe I did.
 16 Q. What was the purpose of the
 17 comparison?
 18 A. To compare the cleaning system of
 19 the Remington CCS-1 with the Braun Flex Interval
 20 System 5441.
 21 Q. And what is the CCS-1?
 22 A. The CCS-1 is the cleaning base
 23 portion of our product, this is CCS-1; CCS-2 is
 24 the foil, and CCS-3 is the women's.
 25 The product name, like when you buy
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 2 it at the store, includes the shaver and the
 3 cleaning base, so they call it some other model
 4 number, but when we refer to just the cleaning
 5 base, this is the CCS-1 cleaning base.
 6 Q. CCS-1 is the one that works with
 7 the rotary model?
 8 A. Yes.
 9 So at the time -- and I think this
 10 might have been requested of me from Yuri Avila
 11 -- and he said to me, "Jim, just give me a
 12 comparison of these two units as far as just
 13 general function."
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 16 our goal, our bogey, to get 30.
 17 Q. Why did Mr. Avila request this
 18 comparison?
 19 A. I really don't remember at the time
 20 why he would have -- I mean, he always requested
 21 a lot of stuff, but -- I don't know.
 22 It might have been for marketing
 23 purposes. They wanted to know why -- how ours
 24 works in comparison to the Braun unit just so
 25 that could get kind of grounded.
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 2 Q. To whom was this document
 3 distributed, Exhibit 12?
 4 A. I don't know. Was it in my notes
 5 somewhere? Was it an attachment to an e-mail?
 6 Q. As produced to me, it was not in
 7 your notes.
 8 A. I really don't know. I can
 9 probably look it up and try to figure that out
 10 for you.
 11 Most likely this was attached to an
 12 e-mail that probably said something like, "Yuri,
 13 please see attached, blah, blah per your
 14 request," and it might have had a distribution
 15 on it. But I'll tell you most likely it went to
 16 somebody in marketing as well.
 17 Q. As a result of this comparison
 18 between the Braun device and the Remington
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 14 Q. Was the goal of the Remington team
 15 to mirror the features of the Braun device?
 16 A. No, not at all.
 17 It was just to show that these are
 18 our features and these are your features. It
 19 was just a way to compare item by item how
 20 theirs operated versus how ours will operate.
 21 Q. Turning your attention to item
 22 number 6, "Recommended solutions/filter
 23 replacement frequency."
 24 A. Yes.
 25 Q. Under the Braun system, it says,
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 2 "IB states 30 cleaning cycles."
 3 A. Yes.
 4 Q. What is "IB"?
 5 A. Instruction book.
 6 Q. In the next column under the CCS-1
 7 design, it says "TBD." "To be decided"?
 8 A. "To be determined."
 9 Q. In parenthesis it says, "Target is
 10 30 cleaning cycles." Why was the target 30
 11 cleaning cycles?
 12 A. Because that equated to
 13 approximately a month's worth of cleanings,
 14 because we wanted to clean it once a day and
 15 approximately 30 days in a month, so -- that was
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 19 CCS-1, were there any changes made to the
 20 Remington CCS-1?
 21 A. I need a few minutes to read it and
 22 see where we were.
 23 Q. Take your time.
 24 A. The only thing that could be a
 25 little bit different here is the items 13-A and
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 2 13-B.
 3 At the time we were fine-tuning
 4 what the cleaning cycle durations were, so those
 5 values might be different a little bit, as well
 6 as that maximum noise level, item 15, because I
 7 know we were looking at reducing the noise of
 8 our unit, so that might be a little bit off.
 9 But other than that, the functions
 10 are correct as it is today in production.
 11 Q. Why were there changes to the
 12 cleaning cycle duration?
 13 A. Well, I was responsible for setting
 14 what the cleaning cycle was to obtain the
 15 maximum benefit and we were playing with
 16 different cleaning cycles, cycling the fluid on
 17 and off and how long you operate the fan and the
 18 algorithm, the controls, what that is. That was
 19 my responsibility, to figure that out.
 20 So when this document was made,
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21 which is May 14, 2003, there might have been
22 some tweaks to that later on.
23 Q. Was the cleaning cycle changed to
24 reduce it to the lower cleaning cycle of the --
25 or lesser cleaning cycle of the Braun device?

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2 A. No. Actually, the Braun had
3 nothing to do with it. We were just trying to
4 -- we wanted to make these things the best we
5 can. I don't really care what Braun was doing.
6 I just wanted to make sure that this thing was
7 as good as it could be.
8 I didn't want to have this thing
9 run for an hour, because that's pretty annoying
10 to having it run on somebody's counter for an
11 hour, so we tried to keep it under a half hour,
12 the entire cleaning cycle, was our --
13 (A recess was taken.)
14 (Exhibit 13 for
15 identification, one-page document entitled,
16 "Cleaning Solution Evaporation Comparisons,"
17 production numbers R 000965 through R 000968.)
18 Q. Mr. Chasen, I've placed before you
19 Exhibit 13, which is a document dated 5/27/03
20 entitled, "Cleaning Solution Evaporation
21 Comparisons, Remington Versus Braun."
22 Do you see that?
23 A. Yes.

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2 Fluid. And what I was referring to here, the
3 Braun unit is very steep so any residual was --
4 when everything shuts off and it's just sitting
5 here, any little dribblets of water that are
6 there go right down into the filter and drain
7 into the -- I guess yours is the cartridge.
8 In ours, it tends to more or less
9 sit there because it's very shallow.
10 Q. When you say the Braun device is
11 very steep, what part of the Braun device are
12 you referring to?
13 A. I guess the area -- did you bring a
14 Braun unit here?
15 Q. I didn't, no.
16 A. I guess the area -- you'd call it
17 the -- your support. The cup. The cup that's
18 on your bottom that goes in.
19 Q. You're referring to the cup in
20 which the shaver head sits?
21 A. Right. The cup which the shaver
22 head sits is very steep on the Braun unit; and
23 as such, that at the end of a cleaning cycle
24 when everything is shut off on the Braun unit,
25 there's less fluid retention on those surfaces

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24 Q. Do you know who created this
25 document?
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2 A. Yes, I do.
3 Q. Who?
4 A. Me.
5 Q. At the bottom of the first page of
6 the document, paragraph numbered 2, can you just
7 review that paragraph.
8 A. Yes.
9 Q. The last sentence says, "Our unit,
10 because of our shaver design, has a relatively
11 large and flat base in profile which tends to
12 retain more fluid at the end of a cleaning
13 cycle." Have I read that correctly?
14 A. Yes.
15 Q. What did you mean by that?
16 A. What I mean is that, at the end of
17 the cleaning cycle there's some fluid that will
18 tend to -- I don't want to use the word
19 "puddle," but -- I guess the best analogy is
20 your sink in your bathroom. If you turn on the
21 faucet and then you turn it off, it all drains
22 out but there's a little water left in the
23 bottom of the sink.
24 That's what I'm talking about when
25 I say at the end of the cleaning cycle residual

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2 versus ours. This was mainly for evaporation
3 study. It had nothing to do with the operation
4 of the unit.
5 Q. This retention of fluid at the end
6 of the cleaning cycle, is that true with the
7 Remington commercial product as well?
8 A. Oh, no. That has nothing to do
9 with that.
10 Q. Let me clarify the question.
11 With the Remington commercial
12 product, either the CCS-1, the CCS-2 or the
13 CCS-3, is there fluid retained in the basin at
14 the end of the cleaning cycle?
15 A. There are a few dribblets of fluid,
16 yes. That's because it's so shallow, that's the
17 issue that we have.
18 I could explain why that's an issue
19 if you want me to go into it, but --
20 Q. Why is it an issue?
21 A. You like to retain as much of your
22 cleaning solution as possible to get it to last
23 as long as you can, and any dribblets that are
24 left on that surface will just evaporate and
25 it's lost. You want it to go back into the

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2 reservoir so it can be used up again.

3 That was just an observation I had
4 made that -- it's all designed to just drain
5 right out, but like any drain, you're going to
6 be left with a few droplets on there and that
7 contributed to not using up as much fluid as
8 you'd like.

9 Q. Thank you.

10 (Exhibit 14 for
11 identification, Multi-page document, copy of
12 notebook, production numbers R 000185 through
13 R 000243.)

14 Q. Mr. Chasen, I've placed before you
15 Exhibit 14. Can you identify what this is?

16 A. This is my lab book, and its
17 primary function, it's kind of like a doodle
18 page for a lot of people. I scratch little
19 notes and things. And what I'll do, if I run a
20 test, I'll put some of the raw data in here and
21 then I'll transfer that to a more formal
22 document, just so you know what really this is.

23 Q. When we discussed at the beginning
24 of your deposition what documents you reviewed
25 in connection with your preparation, was this

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2 doodle pad --

3 A. Yes, I skimmed this as well.

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7 pump was putting out too much fluid and the
8 level was rising and that's what we didn't want.
9 We wanted that to drain right out.

10 Q. Asking you to turn your attention
11 to the next page, there's a line that starts,
12 "Lead-in chamfers-basin ribs."

13 Can you explain what these lead-in
14 chamfers are?

15 A. I believe for assembly purposes to
16 put the basin in, you put some lead-in so that
17 when you're assembling it, it kind of guides it
18 in. That's probably what that referred to.

19 Q. Asking you to turn to page R-201,
20 at the top it says, "SLA Model 3."

21 What is that?

22 A. Oh, stereolithography model, SLA.
23 That's our terminology that we use
24 for rapid prototyping of parts.

25 Stereolithography is a process by which rapid

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2 prototypes are made.

3 You start with a computer-generated
4 model in your computer, a 3-D model, and you
5 send the file to these fabrication houses and
6 they form this model in layers, one layer at a
7 time. It starts with a vat of liquid and then a
8 laser scans it one layer at a time from the

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4 Q. You skimmed this Exhibit 14?

5 A. Yes.

6 Q. Asking you to turn your attention
7 to page R-188, number 7 on that page says,
8 "Drain hole in basin needs to be greater than 3
9 million meters." Why is that so?

10 A. We wanted -- we wanted the fluid to
11 drain out quicker. We did not want to fill the
12 basin with fluid in our design.

13 In our design, that's actually a
14 bad thing, to fill the basin with fluid.

15 Q. Why?

16 A. What happens is, if that -- if the
17 heads, the cutting heads go under the fluid
18 level -- in other words, if the level starts to
19 rise, all of those cutters start to rotate
20 underneath the fluid and it creates too much
21 power draw. The shaver loads down and the power
22 dry, the transformer can't supply enough power
23 to the shaver to turn it, so that was a very bad
24 thing.

25 We wanted to make sure that the

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2 fluid goes out, drains out, and goes right to
3 the filter, kind of like your sink.

4 And some of the initial analysis of
5 this product -- that's why I wrote this note --
6 in testing some of these earlier designs, the
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9 computer-generated model and you get the
10 complete model built.

11 It's a rapid prototyping tool and
12 you'll probably see a lot of SLA version this or
13 that. I tried to keep track of what version we
14 were working with because we made very -- a lot
15 of different iterations of models, so SLA 1
16 would be the first model, SLA 2 would be the
17 second and so forth and so on.

18 So "SLA model" is just a
19 terminology for prototype.

20 Q. And each of these SLA models that
21 you were looking at were of the cleaning device?

22 A. And/or some of the subsystems
23 and/or some of the components that make up the
24 shaver.

25 Q. Asking you to turn your attention

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2 to page R-209, at the top of the page you write,
3 "Run until dry - i.e. same as Braun."

4 What does that mean?

5 A. You know, I was skimming through
6 this before and I saw that sentence and I don't
7 know what I meant there. I'm sorry, I really
8 don't. "Dry, same as Braun" -- because if you
9 look at the page before, it doesn't -- it's kind
10 of like out of context.

11 The only thing I can think of was,
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12 it was -- I don't remember. Honestly, it was
13 just a note that I scribbled in there. It could
14 have been made -- I believe it refers to running
15 the unit dry, meaning like at the end of the
16 Braun cycle, the cleaning cycle, your fan turns
17 on and dries the unit. There's a fan that dries
18 it, and at the end of the cycle, it's dry. The
19 shaver is dry.
20 So when I was running some of my
21 cleaning tests, I wanted to get it to the same
22 dryness level as the Braun unit. That's
23 probably what that is, but I can't be 100
24 percent sure.
25 Q. Why were you using the Braun unit

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2 as a benchmark?
3 A. It was just a comparison. It was
4 another cleaning device that we wanted to just,
5 you know, evaluate for dryness. Competitive
6 benchmark, I guess.
7 Q. What was the length of the
8 development process for the CCS-1 product?
9 A. When I came on board or the whole
10 -- from, like, inception to production?
11 Q. From conception until it left
12 research and development.
13 A. You mean -- let me clarify a little

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17 said works with the foil, the men's foil?
18 A. Yes. The original intent was to
19 try to introduce both of them simultaneously,
20 but we didn't have the resources so they decided
21 to have us concentrate on the rotary model
22 first.
23 Plus, they were having some issues
24 with the shaver, the Haking shaver. The MS 5500
25 was a new shaver for Remington/Rayovac and had

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2 some bugs in it that had to be worked out, so
3 the shaver really wasn't ready anyway, so the
4 R-9500, the rotary, was already in production,
5 aside from the modifications that we had to
6 make, so that's why that one was picked first.
7 Q. When was the development of the
8 CCS-2 started up again?
9 A. I'd have to refer to my notes. I
10 don't know exact dates. It was after -- we were
11 concentrating on the rotary, and then there was
12 a time where we were -- the design was well
13 along and we were waiting for tooling, and then
14 we kind of started ramping up on the CCS-2
15 model.
16 As far as exactly when, if I could
17 look at my notes and maybe I'll find a date in
18 here.

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14 bit the best I can.
15 I came on in January of '03, and
16 approximately nine to ten months later we had
17 our first off-tool sample.
18 Q. What's an --
19 A. Off-tool. Meaning molded, like you
20 see here. Off-tool molded part.
21 Now, there was some work done prior
22 to my arriving that you could see in the
23 documents that show some dates back in 2001, so,
24 I mean, you could say it went from 2001 until
25 the end of '03. You know what I'm saying?

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2 So I don't know very well how
3 defined this is, how long -- I just mainly know
4 from when I started on it, this is how long it
5 took.
6 But prior to that, there was some
7 -- you know, stop, go, stop, go. That kind of
8 thing. Where it just kind of lingered.
9 Q. Do you know whether Rayovac started
10 to design its own cleaning system prior to
11 Braun's release of its Braun Syncro cleaning
12 system?
13 A. I honestly don't know. I honestly
14 don't know. Sorry.
15 Q. At some point Rayovac started
16 developing the CCS-2, which is the model you've

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19 Q. Can you look at Exhibit 14 and see
20 if you can find a date?
21 A. Let me see if I can find something
22 for you. Actually, a better document, I'm sure
23 you have copies of all of it, a tab book with --
24 it's in Excel, it's like a big Excel spreadsheet
25 and it says "Foil Shaver Cleaning Systems" and

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2 it has sequential experimental dates, test one
3 was done on this date and this is what I
4 performed. Test two was performed on this date
5 and this is what was performed.
6 That would be a way better document
7 than this thing.
8 (Exhibit 15 for
9 identification, Multi-page document entitled,
10 "Development Test Report," production numbers
11 R 001048 through R 001063.)
12 A. March 10th.
13 Q. Of what year?
14 A. That's got to be '03. I should
15 have made the width column longer. It truncated
16 the last date. It's on there.
17 The first time I started looking at
18 foil was March 10th of '03, but if you look
19 here, it goes item 1 and 2, March 10th and March
20 12th I was looking at an MS-3, and it was
21 another three whole months to item 3, so I

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22 started to dabble a little bit. But it wasn't
23 until June of '03 that I started really doing
24 work on the 5000 series, so maybe more accurate
25 would be June of '03 was when we kind of started

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2 getting into that.

3 Q. And what was the motivation behind
4 the CCS-2?

5 A. To have a cleaning system for a
6 foil line, that was marketing's instructions,
7 that they wanted us to develop a cleaning system
8 for foil.

9 (Exhibit 16 for
10 identification, two-page document, E-mails,
11 production numbers R 003569 through R 003570.)

12 Q. Mr. Chasen, Exhibit 16 are two
13 e-mails, the last one dated April 27, 2004.

14 Have you seen these before?

15 A. Can I read it?

16 Q. Sure.

17 A. It looks familiar although I was
18 not on the original distribution. It might have
19 been forwarded to me because it does look
20 familiar to me.

21 Q. Do you know why Rayovac was doing a
22 comparison between the MS 5500 CS and the Braun
23 Activator?

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2 Q. Prior to September '03?

3 A. In what capacity?

4 Q. In the design development capacity.

5 A. No, no.

6 Q. What was Rayovac's motivation in
7 developing the CCS-3?

8 A. Marketing's desire for a women's
9 cleaning system.

10 (Exhibit 17 for
11 identification, multi-page document entitled,
12 "WDF with Cleaning Base Questions," production
13 numbers R 004385 through R 004390.)

14 Q. Mr. Chasen, I've placed before you
15 Exhibit 17, which is a document entitled, "WDF
16 with Cleaning Base Questions, 9/16/03."

17 A. Okay.

18 Q. First, have you seen this document
19 before?

20 A. It doesn't look familiar.

21 Q. I draw your attention to number 5
22 on the first page, which is, "Are there any new
23 technologies or areas of exploration beyond the
24 scope of the CCS-1 that would require
25 investigation?" What was Rayovac's answer to

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24 A. Most likely it was for sales force;
25 and if they're going to sell this product,

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2 they're going to say, "Well, how does it compare
3 to the Braun?", so they wanted to become
4 knowledgeable with respect to the Braun system,
5 how ours compares.

6 Q. You mentioned the MS 5500

7 before, the MS --

8 A. "Cleaning system" is probably what
9 that means, cleaning system.

10 Q. Thank you.

11 A. You might be able to buy the 5500
12 without the cleaning system -- but I'm not
13 sure -- in some markets. That may be why you
14 see that.

15 Q. When was the development of the
16 CCS-3, the women's foil shaver cleaner, begun?

17 A. May I look at my notes?

18 Q. Certainly, yes. You're referring
19 to --

20 A. Exhibit 15.

21 I first started looking, dabbling a
22 little bit in September of '03.

23 Q. Was anybody else at Rayovac working
24 on the CCS-3?

25 A. Sure.

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2 that question?

3 A. Their answer to the question was
4 that there was really this new technology
5 meeting the basic method of injecting fluid and
6 having it circulate around would be the same.

7 However, there were some areas that
8 had to be looked at such as how it gets
9 connected up with the base, meaning the
10 technical connection up at the top, because
11 you've got to appreciate all shavers are
12 different so it's going to be different how you
13 electrically connect at the top.

14 That was an area that needed to be
15 looked at, the circuit strategy, and electronics
16 a little bit because in that particular model
17 versus the CCS-1, the shaver is run under its
18 own battery power versus the other one is run by
19 a power supply, and it was also a concern that
20 women's deodorants, especially in the underarm
21 area, could affect the shaver as well, and the
22 cleaning fluid getting gunked up as well, that
23 kind of thing.

24 Q. Are you familiar with Rayovac's
25 costs in the research and development for the

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2 CCS-1?
3 A. No idea.
4 Q. Or the CCS-2 or 3?
5 A. I don't have any of that
6 information.
7 Yuri may have some of that, but you
8 would need to talk to a finance guy, I would
9 think.
10 Q. Do you know how long the research
11 and development of the CCS-2 took as opposed to
12 the CCS-1, which we've spoken about?
13 A. Well, it's -- to this day we're
14 looking at improvements, so it's hard to -- we
15 didn't just -- you can't draw a line and say we
16 stopped and walked away.
17 The main effort went from a finite
18 period to when first product was produced, but
19 then, you know, it continued a little bit
20 thereafter, so can you clarify your question a
21 little bit? Do you want to know up to the point
22 it went to production?
23 Q. I think we established before you
24 turned your attention to the design of CCS-2, in
25 June of '03, how long after that was research

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2 and development ongoing until a product --
3 A. I'll tell you -- I'm looking again
4 at Exhibit 15.

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7 Q. Any other systems?
8 A. No.
9 Q. With which shavers is the CCS-1
10 designed to work? You've mentioned --
11 A. The R-9500, yes.
12 There are two shavers, the R-9500
13 and the --
14 Q. Is it 9700?
15 A. It might be. It doesn't have the
16 LCD display. It's just got indicators.
17 The shaver itself looks exactly the
18 same. Instead of having this LCD display,
19 that's eliminated, and it has, like, lights. I
20 don't remember the exact model number, but you
21 must have it in some of your documents.
22 (Exhibit 18 for
23 identification, Two-page document, product
24 specifications, production numbers R 004897
25 through R 004898.)

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. Mr. Chasen, I've put before you
3 Exhibit 18, which is a document dated November
4 15, 2002 called, "R-9500/9700 Micro Flex Plus
5 Rotary Shavers with Cleaning Capacity."
6 A. This is early. They changed the
7 numbers. This is an earlier document. This is
8 dated November of 2002, and they're giving the
9 R-9700 with the LCD display, and I believe this
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10 is the R-9500 -- yes. They changed the number
11 since then, since this document, so I don't
12 think this is valid anymore.
13 I'm sure that information is
14 readily available, but there is one other model
15 that doesn't have the LCD display. Yuri would
16 definitely know that off the top of his head.
17 Q. Do you know what the R-9400 is?
18 A. I'm not sure. I'm not sure.
19 I mean, Remington makes so many
20 different models of shaver models that I get
21 confused a little bit with the numbers. I'm
22 most familiar on the ones I worked with, but
23 they make a lot of derivatives.
24 These are really the three main
25 platforms that go with the cleaning system, what

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1 JAMES CHASEN - CONFIDENTIAL
2 we call the Rotary 9000 series. So it's this
3 exact same shaver, but different bells and
4 whistles, different display. That kind of
5 thing. Same thing with this one. There's
6 another model that has an LCD display.
7 Q. The foil?
8 A. On the foil.
9 And I believe on the women's there
10 might be another iteration as well. So when you
11 say "what models," really, there's three models,

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12 base models or platforms, and then one or two
13 derivatives under there are just like very minor
14 things like a display or a button or something
15 like that. There is no big other features
16 really.
17 Q. Who would be aware of the various
18 combinations of shaver and cleaner device?
19 A. Anybody in marketing.
20 Marketing would definitely be able
21 -- Yuri would know that because he deals with
22 that day in and day out. Marketing would be
23 your best shot. If you asked them to produce a
24 matrix, they would probably get that for you as
25 well, and that would, you know --

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1 JAMES CHASEN - CONFIDENTIAL
2 (Exhibit 19 for
3 identification, Multi-page document headed
4 "Men's 2006 Shaving," production numbers
5 R 000133 through R 000184.)
6 Q. I've placed before you Exhibit 19,
7 which is entitled, "Men's 2006 Shaving," dated
8 September 29, 2004.
9 I'm going to ask you to turn to
10 page 45 of that exhibit.
11 A. Okay.
12 Q. This time-line, which is on page
13 45, there is at Q3 2005 a new product listed
14 which says, "New R-9400 with cleaning."
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17 3208.txt
18 A. That's so that you don't damage
19 some of these heads as you put it into the unit.
20 So as you put it in, it will kind of just keep
21 it positioned.
22 Q. What supports the shaving head?
23 A. Well, actually, it's the -- you've
24 got a post in the bottom of the basin that acts
25 as a stop and you've got your injection manifold
that helps align everything.

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. You had just said that the ribs
3 keep the shaver head in place. Isn't that an
4 alignment function?
5 A. Well, really what helps align it is
6 these three -- what guides it are these three
7 pins in the manifold.
8 Q. And does the shaver head rest on
9 those pins?
10 A. Yes. They go inside these holes
11 here and kind of help position it. Then you've
12 got a stop down here.
13 Q. If I could just take that from you
14 and take it apart. Can you tell me what the
15 function of the lower base is, which I've now
16 handed it to you and taken the filter out of?
17 A. It's to hold the cleaning solution.
18 Q. Can you show me on this device
19 where the pump is? I think it's actually on the
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15 Are you aware of that product?
16 A. Yes. I bet you that's the one
17 without the LCD display. That's got to be what
18 that is, 9400.
19 Q. Do you know if that product has
20 been launched by Rayovac?
21 A. Pretty sure, because they were
22 working on that when I was still in Bridgeport,
23 which was, like, about eight months ago,
24 actually, so I believe that that might already
25 be out there.

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1 JAMES CHASEN - CONFIDENTIAL
2 Q. Would it be the marketing people --
3 A. Marketing people would definitely
4 know or Yuri would know that as well, but I'm
5 pretty sure that that has been done.
6 Q. Mr. Chasen, I'm asking you to look
7 at the CCS-1, which I'm putting before you.
8 Can you tell me what the function
9 of the basin is?
10 A. It's to channel the fluid to the
11 filter.
12 Q. I notice that on the basin of the
13 CCS-1 there are some ribs or tabs. I'm not sure
14 what the technical term would be.
15 A. Right.
16 Q. What is the purpose of those?

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20 top portion.
21 A. It's actually right in here, in
22 this casing here, and this is the pump inlet
23 right here.
24 Q. And it's got a filter on the
25 bottom?

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1 JAMES CHASEN - CONFIDENTIAL
2 A. Right.
3 Q. And what is the purpose of the
4 pump?
5 A. To circulate the fluid from the
6 lower housing to the manifold, and then the
7 manifold feeds fluid to the hair pocket and then
8 that feeds into the basin, into the filter.
9 Q. Does this CCS-1 device have a
10 drying mechanism?
11 A. Yes.
12 Q. Where is that?
13 A. It's inside here.
14 Do you want me to take this apart?
15 Q. No.
16 A. You could see it here.
17 Do you see the fan in there?
18 Q. You're indicating the top portion?
19 A. Yes, where these vents are. It's
20 located in there, and you can also see a little
21 bit of it right there. The outlet comes right

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22 here and it kind of blows some air right
23 underneath the head of the shaver.
24 Q. And what parts does the dryer
25 consist of?

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1 JAMES CHASEN - CONFIDENTIAL
2 A. It's got a housing, a fan housing
3 and the fan itself, it's a squirrel cage fan, as
4 we call it, centrifugal fan, so it's basically
5 two parts and they snap together, and then
6 you've got a motor -- also, it's called an
7 impeller fan. It's all the same.
8 Q. Directing your attention to the
9 CCS-2 device, which works with the male foil
10 shaver, can you tell me what the function of the
11 basin is?
12 A. It's exactly the same as the CCS-1.
13 It just channels the fluid down into the filter.
14 A good analogy would be a sink.
15 It's the same exact thing. It just drains it
16 into the filter. That's really what its
17 function is.
18 Q. There's a pivoting number in the --
19 I'm not sure what you call it, but there's
20 something that pivots in the CCS-2 device that I
21 didn't notice in the CCS-1 device.
22 A. You're talking about this thing
23 here and that that flips up and down?
24 Really all this is, it's the
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1 JAMES CHASEN - CONFIDENTIAL
2 housing. The fan is the same.
3 Q. Is the same pump used?
4 A. The same pump is used. It's got a
5 similar, but not exact, design for this
6 manifold. This spring-loaded manifold is
7 slightly different, but in theory it's kind of
8 like the same thing. We only inject in two
9 locations here, where at this we're injecting at
10 four locations.
11 Q. So there's four locations for
12 injections in the male shaver?
13 A. You see these two holes here?
14 That's where the fluid gets injected. On the
15 men's system, the MS 5500, there are four
16 locations. That's what you see there, those
17 four holes.
18 And on the R-9500, there are three
19 locations, so all of the manifolds are different
20 in design, but in function, they're all the
21 same. The outlet from the pump feeds a tube
22 which goes to the manifold, which then injects
23 the fluid into the hair pocket.
24 (A recess was taken.)
25 (Exhibit 20 for

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25 manifold -- it's basically the manifold, but
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2 it's spring-loaded; so it's a spring-loaded
3 manifold is what it is.
4 Q. What is the function of that
5 manifold?
6 A. It's designed to align with the
7 head there.
8 Q. Are there any differences between
9 the CCS-1 and the CCS-2 with regard to the
10 cleaning base? That is the bottom portion.
11 A. Actually, these are
12 interchangeable. I could take this and put that
13 on there and vice versa; so to answer your
14 question, they're exactly the same.
15 Q. What about the pump?
16 A. The pump is exactly the same.
17 Q. And the dryer?
18 A. The dryer is exactly the same.
19 Q. I'm going to hand you the CCS-3
20 which works with the women's shaver.
21 A. I hate this color.
22 Q. Aside from the color differences,
23 is there any difference between the CCS-2 and 3?
24 A. Functionally, it's the same again.
25 The bottom half is the same. The bottom

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1 JAMES CHASEN - CONFIDENTIAL
2 identification, two-page document entitled, "Co2
3 Rotary Shaver Cleaner Operating Instructions,"
4 production numbers R 010951 through R 010952.)
5 Q. Mr. Chasen, I've placed before you
6 Exhibit 20, which is a document entitled,
7 "Carbon Dioxide Rotary Shaver Cleaner Operating
8 Instructions, Prototype Vintage Number 6."
9 A. Actually, I just did this, so this
10 I'm very familiar with.
11 Q. You created this document?
12 A. Yes.
13 Q. What does this document describe?
14 A. A new cleaning system that we are
15 developing using Co2 cylinders, disposable Co2
16 cylinders to clean a shaver.
17 Q. Is that the air cleaner you were
18 discussing before?
19 A. Yes. The air cleaner -- I've done
20 a lot of evaluation on this type of system, and
21 it's -- do you want the full history or just --
22 I don't want to go on and on, but do you want to
23 just ask specifically about this particular
24 approach?
25 There were some related to this but

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2 weren't powered by CO 2, but in all the systems
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3 it relies on pressurized gas released rapidly to
4 extract hair from a shaver, so in its
5 fundamental form, they're all the same in that
6 regard.

7 Q. When did Rayovac begin the design
8 of that product using pressurized gas?

9 A. Do you have my file for that --
10 give me a second. I need to think.

11 I want to say approximately June of
12 '04, approximately. But it wasn't on this exact
13 approach when I started the idea of a different
14 type of cleaning system.

15 Q. What was the motivation behind
16 creating a different type of cleaning system?

17 A. I just didn't like the liquid. It
18 was messy and I saw a lot of negatives
19 associated with that. So I wanted to create a
20 better way of cleaning a shaver that's less
21 messy.

22 In my original approach, we had a
23 little mini compressor that actually charged up
24 a cylinder so you wouldn't even have replaceable
25 Co2 cartridges, and the filter was easy. You

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2 could reuse the filter as well.

3 So from a consumer perspective,
4 they didn't have to buy anything. They could

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8 and collects the hair which you remove from the
9 bottom.

10 Q. From the bottom of --

11 A. Of the device. It's removable.
12 You see in the photo -- the second page, the
13 very bottom here.

14 Again, it's a little bit not user
15 friendly, but it was designed to demonstrate to
16 people the principles of this method of
17 cleaning.

18 So what happens is, it uses an
19 injection manifold like the wet system; but
20 instead of fluid, I'm injecting high pressure
21 Co2, and instead of a basin I've got a rubber
22 seal that goes against the hair pocket of the
23 shaver creating an airtight seal, and then the
24 filter down below catches the hair.

25 Q. When you say that the rubber seal

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2 goes against the hair pocket of the shaver --

3 A. Right.

4 Q. What do you mean by that?

5 A. On Exhibit 20, the very top
6 picture, you see this, like, gummy color here
7 around the perimeter that's rubber? That's an
8 elastomeric seal.

9 When you put the shaver against

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5 use it every single day. It was clean. They
6 didn't have to deal with flammable alcohol or
7 spilling or mess or anything. So, in my
8 opinion, it's better. It's a better way to go.

9 Q. Can you describe to me how this
10 Exhibit 20 cleaner functions?

11 A. Sure. Actually, that's why I wrote
12 this document, because it's basically a use
13 book.

14 What I did was, I developed a
15 prototype and I wanted to instruct somebody how
16 to use it, so it's a -- let me step back one
17 second.

18 This is a prototype. This is not a
19 production unit, so it's a little bit not as
20 user friendly as it could be.

21 But essentially, you remove this
22 device here off the back of it and unscrew the
23 base and attach a little Co2 cylinder. Did you
24 ever see those little -- like, for whip cream, a
25 little Co2 cartridge?

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2 You put it in there, screw it in
3 place and you put this device back on here.

4 You place the shaver inside the
5 cleaning base. You turn on the shaver and then
6 press the Co2 release mechanism and what it does
7 is give a blast of Co2 directly into the shaver
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10 that, the hair pocket seals up against there, so
11 that's an airtight seal.

12 So these three opening align with
13 the cutting heads of the shaver.

14 So when you pressurize the hair
15 pocket, all that muck and hair goes down through
16 those three opening and collects in the filter
17 down below.

18 Q. Where in this top picture is the
19 manifold?

20 A. It's inside this black housing
21 here.

22 You see this little point, that
23 little dot there? That's one of those little
24 nozzles that stick inside the shaver.

25 Q. Okay.

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2 A. And the whole cleaning cycle takes
3 10 seconds and it's completely dry when you take
4 it out so I don't have to dry the shaver, and
5 the cost of this is substantially lower than any
6 of our wet systems as well, so there's a lot of
7 big advantages to this.

8 MS. WENDLANDT: Mr. Chasen, I have
9 no further questions.

10 THE WITNESS: Okay.

11 MR. SHIMOTA: I would like to note
12 for the record I would like this transcript
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13 designated "Highly Confidential, Attorneys' Eyes
14 only."

15 (Time Noted: 12:21 P.M.)

16 JAMES CHASEN

17 subscribed and sworn to before me
18 this ____ day of ____, 2005.

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97

1 JAMES CHASEN
2 STATE OF NEW YORK)
3) SS:
4 I wish to make the following changes, for the
5 following reasons:
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Linda J. Greenberg

My commission expires: May 17, 2007

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JAMES CHASEN

22 subscribed and sworn to before me
23 this ____ day of ____, 2005.

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1
2 CERTIFICATE
3
4 I, Linda J. Greenberg, Professional
5 Shorthand Reporter and Notary Public in and for
6 the State of New York, do hereby certify that,
7 JAMES CHASEN, the witness whose deposition is
8 hereinbefore set forth, was duly sworn and that
9 such deposition is a true record of the
10 testimony given by the witness to the best of my
11 skill and ability.
12 I further certify that I am neither related
13 to or employed by any of the parties in or
14 counsel to this action, nor am I financially
15 interested in the outcome of this action.
16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 12th day of May, 2005.
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